

Judge Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	NO. CR05-451
)	
v.)	ORDER CONTINUING
)	TRIAL DATE
ROBERT GREER,)	
CRAIG DEAN JOHNSON,)	
TERRY EDWARD JOHNSON, and)	
RONALD WESLEY STEWART,))	
)	
Defendants.)	
_____)	

This matter having come before the undersigned Court on unopposed motion of the government, and the Court being fully advised in the matter, now finds that the trial was scheduled for February 28, 2006. The defendants are waiving their speedy trial rights until April 10, 2006, which is beyond the new trial date of April 4, 2006. The motion is made because there is a strong possibility that the matter will resolve short of trial, however, the schedules of counsel and unavailability of counsel this week has delayed the resolution. Although counsel have been diligent in addressing this matter, the recent arrest of a related defendant coupled with the trial schedules and jury duty schedule of counsel have interfered with a speedy resolution. All parties believe that this matter will be handled other than with a trial if this continuance is granted.

The Court is aware that time limitations for trial and speedy trial concerns are set forth in Title 18, United States Code, Section 3161.

Section 3161(h) outlines the periods of excludable time, including:

(8)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

In this matter, the Court finds that further time is reasonable and necessary as the requested time is within the speedy trial time period. Further, that the ends of justice, especially those which deal with consideration of victims and witnesses, are served by the requested continuance as this Title 21 trial has few civilians witnesses and no known victims. Therefore, the trial date is continued from February 28, 2006 until April 4, 2006.

Dated this 14th day of February, 2006.

s/James L. Robart

JAMES L. ROBART
United States District Court

Presented by:

s/Susan M. Roe
SUSAN M. ROE
Assistant United States Attorney
WSBA 13000
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101
Telephone: 206/553-1077
Fax: 206/553-4440
E-mail: susan.roe@usdoj.gov